

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Amateur Service)	
Rules Governing Qualifying)	WT Docket No. 12-283
Examination Systems and Other)	
Matters)	
)	
Amendment of Part 97 of the)	
Commission's Amateur Service Rules)	RM-11629
to Give Permanent Credit for)	
Examination Elements Passed)	
)	
Amendment of Part 97 of the)	
Commission's Rules to Facilitate Use)	
in the Amateur Radio Service of)	RM-11625
Single Slot Time Division Multiple)	
Access Telephony and Data Emissions)	
Request for Temporary Waiver)	
)	
Amendment of the Amateur Service)	
Rules Governing Vanity and Club)	
Station Call Signs)	WT Docket No. 09-209
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By W. Lee McVey)	
W6EM)	
PG-12-19879)	
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To: The Chief, Wireless)	
Telecommunications Bureau)	
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**REPLY TO THE COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

The following is my Reply to the Comments of the American Radio Relay League (ARRL), filed in the above captioned proceedings. It is timely filed in accordance with 47C.F.R. §1.45, §1.415 and §1.419.

Introduction

1. The ARRL, once again, captions itself as the *National Association for Amateur Radio*. Yet, it did not solicit from its subscribers the opinions expressed in its Comments filed in the above proceedings. Its membership, or more accurately, its customer fraction of total United States licensed amateurs, historically has been a tad more than 20%.¹ Therefore, even if its opinion accurately represents the majority of its subscribers, it would not necessarily reflect the opinions of the majority of licensees since it made no effort to determine what those opinions might be.² It should therefore be assumed that the opinions it expressed in the above captioned proceedings were from those who would most directly benefit from the maintenance or augmentation of its operating income stream: Its paid-employee managers, senior staff and contractors.

¹ At the end of 2011, ARRL membership stood at 157,813 out of a total of 702,056 licensed US amateur operators, or approximately 22.5 percent. ARRL *2011 Annual Report*, p. 1 and p. 4.

² I am a member of ARRL and its first notification to its membership was mention of the Notice of Proposed Rulemaking for these proceedings in the October 11, 2012 edition of its *ARRL Letter* Internet newsletter. In its December, 2012 issue of its *QST Magazine*, on p. 64-65, it summarized the content of the Notice, but offers no clue as to its position on the content of the rulemaking.

ARRL Has a Pecuniary Interest in Re-Examination

2. ARRL is primarily a not-for-profit publisher. As such, it has a pecuniary operating income interest in the examination process via two paths. First, by its authorship of numerous study guides, manuals and books that it markets and sells to prospective licensees. And second, and perhaps most relevant to these proceedings, through its Volunteer Exam Coordinator (VEC) activities. Further, its operating income derived from VEC revenue is not insignificant. Like most all VECs, it receives a fee for conducting and processing examinations. It even offers a service for license renewals.³ For example, in its Comments it states that it alone has conducted 1,079,015 examinations since it began the VEC process.⁴ If, for example, only 5% of those examinations were past licensees sitting for re-examination of previously-passed exam elements, this would have amounted to at least \$430,000 of ARRL income, at current rates and fee-split arrangements.⁵ Of course, if credit for prior CSCE or elements were to have been allowed since the VEC program began, it would have eliminated this much ARRL income from re-examinations under a 5% re-examination assumption.

ARRL Claims Re-Demonstration of Proficiency is Essential

3. ARRL concedes that the idea of lifetime licensure is not new.⁶ However, just because something is not new, it does not mean that circumstances or requisites for licensure have

³ ARRL maintains a for-fee license renewal service for members and non-members, depending on the type of amateur license being renewed.

⁴ ARRL Comments at 3.

⁵ Up to \$7.00 of the current ARRL \$15.00 fee is refundable to individual clubs conducting examinations, netting ARRL at least \$8.00 per examination. From www.arrl.org/vec-exam-fees

⁶ ARRL Comments at 5.

not changed in the interim since the idea's original introduction. ARRL claims an overriding re-examination concern existed at that time among all US VEC organizations, to the effect that there needed to be a *re-demonstration of proficiency*.⁷ However, since the mid-90's when the idea of lifetime licensing was first considered, a dramatic change in licensure requirements has occurred. The *complete elimination* of the requirement to demonstrate varying degrees of proficiency in the International Morse Code. Perhaps some justification existed in re-demonstrating proficiency in that regard, since long periods of inactivity might tend to lessen one's dexterity in interpreting the Code at the then-required graded rates. Such logic would be consistent with Commission commercial operator license requirements, in that the only licenses that are not lifetime grants are its commercial radiotelegraph licenses.⁸ However, *all other commercial radiotelephone and global marine distress system licensee grants are for the lifetime of the holder*.⁹

4. ARRL goes to some length to cite the prior opinion of the Commission with respect to lifetime licensure in its *Report and Order*, FCC 97-99, 12 FCC Rcd. 3804, released April 1, 1997.¹⁰ Specifically, at Paragraphs 19 and 20, wherein the Commission concedes that it would have to” *develop and maintain a separate data base for the purpose of maintaining indefinitely records of amateur operators who allow their station license to expire*.” It is arguable that the Commission, in the interim, has done just that across all services for all licensees. One only need briefly peruse the Commission's Universal Licensing System (ULS) database to observe that the record keeping interval for

⁷ *Id* at 8.

⁸ 47C.F.R. §13.15(a).

⁹ 47C.F.R. §13.15(b).

¹⁰ ARRL at 9.

each FCC Registration Number (FRN) at the present time approaches the lifetime of the ULS.¹¹ The ULS system began operation in September 1998.¹²

5. ARRL next returns to its re-demonstration beeline. It assumes loss of relevancy to the current state of the amateur radio art by those licensed in the 1960s who have not continuously renewed their licenses. It offers no examples for such an assertion, only a few baseless and perhaps discriminatory remarks. Likely, an obfuscated case of age discrimination, since those first licensed in the 1960s are now at least in their mid to late '50s.¹³ In its unwillingness to compare lifetime licensure as a subject across the entire spectrum of Commission service licensees, ARRL develops a presumption that former or long-time-inactive amateur licensees have poorer technical theory and operational capability retention and are less apt to be cognizant of regulatory changes than other Commission licensees who have been afforded lifetime licensure. Somewhat of an irony since *lifetime Commission commercial license holders are allowed to install, maintain and adjust commercial radio equipment with public health and safety impact without renewal or a re-demonstration of their proficiency to do so; even after periods of inactivity*.¹⁴ There is no demonstrable difference between long-time-inactive licensees and those who have allowed their licenses to expire. ARRL states that “the renewal process affords a licensee an opportunity to keep current on rules and technology.”[emphasis added]¹⁵ Since renewal is now largely an Internet-based exercise for those who would do it themselves, the only technical learning experience to be had

¹¹ See McVey Comments at 5. ULS requires establishment of a unique FRN for each licensee, and the same FRN is used by one individual across all services, irrespective of the number and types of licenses held or their current status.

¹² See FCC DA-98-1919, <http://wireless.fcc.gov/uls/releases/da981919.doc>

¹³ ARRL at 13. Late '50's assumption based upon a friend having been first licensed in 1960 at age 10.

¹⁴ 41C.F.R. § 80 Maritime and 41C.F.R. § 87 Aircraft Radio Services.

from the self-renewal process would likely be familiarity with changes to the Commission Internet web pages or Form 605 paper-equivalent, not changes to amateur radio technology. And, of course, if amateurs elect the “sign on the dotted line” ARRL-processed route, renewals can and do represent a source of revenue for ARRL.

Authenticity of Applicant Documents Not an Insurmountable Obstacle

6. ARRL next goes about the task of claiming that there would be no practical way for VECs to validate the authenticity of former licensees.¹⁶ Yet, ULS system and FRN record data could be easily retrieved by VECs from the Internet at examination locations if needed. The FRN used by the majority of individual licensees is their Social Security Number, the authenticity of which should be easy to verify. Documentation of former licensee original paper licenses presented to a VEC should be a relatively easy task to verify. Also, copies of 60's and 70's *Amateur Radio Callbook* magazines should still be around. As would be early QRZ amateur radio database CD ROM records. A little more difficult, perhaps, for CSCE forms, as the authenticity of one VEC organization's form as opposed to another VEC's equivalent might be more difficult to discern, but certainly not insurmountable. One would think that by now, the national group of VECs would have adopted a common, universal CSCE form. Or, certainly a guide to aid in identifying and authenticating each other's CSCE forms. And, ARRL actively supports and participates in information sharing with the national VEC organization. ARRL must have records of some regard besides their magazine subscription database. Retention of records by each VEC should be expected for the privilege of collecting substantial monies from

¹⁵ ARRL at 13.

examinees. Especially for an organization that has likely netted more than \$5 million from its more than one million examinations over the course of the program. Again, apparently what ARRL wants isn't an equitable and fair perpetual element credit or lifetime licensure, but an assured-continuum of the "money mill" of examination fee collection from former licensees and expired CSCE holders.

Extension of the License Renewal Window

7. ARRL has one good suggestion that would assist those unable to renew their licenses within the present 90-day window immediately before expiration, should the Commission elect to continue with renewals. It suggests lengthening the time from 90 to 180 days.¹⁷ This would assist those who, for whatever the reason, could not file during the three month period and were denied the privilege of doing so any earlier. It would seem that with today's ULS features, one could be added to permit renewal within a much larger time frame before expiration. Perhaps, the entire year before expiration should be considered for adoption.

ARRL Comments Lack Proper Form for Filing in Rulemaking Proceedings

8. ARRL has not complied with the requirements of 47C.F.R. §1.419 in its Comments filed in these proceedings. 47C.F.R. §1.419 requires, by its reference to 47CFR §1.49(b) and §1.49(c), both a Table of Contents and an overall Summary for Comments exceeding 10 pages in rulemaking proceedings. At 28 pages, the ARRL Comments *egregiously*

¹⁶ *Id* at 14.

exceed regulation constraints which require a Table of Contents and Summary in lengthy rulemaking Comments and Replies.

The above Reply Comments are offered with the intent of assisting the Commission in these extensive rulemaking proceedings.

Respectfully Submitted,



W. Lee McVey
3 Squires Glenn Lane
Leeds, AL 35094-4564
December 27, 2012

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Certificate of Service

In accordance with 47CFR §1.47(g), this is meant to certify, under penalty of perjury, that I have served my Reply upon the ARRL, by placing a true copy in the United States Mail, First Class postage-paid, to the business address of its General Counsel, Christopher D. Imlay, on this, the 27th day of December, 2012.



W. Lee McVey

¹⁷ *Id* at 16.